

RECEIPT # 52877
AMOUNT \$ Case 1:04-cv-10007-RWZ Document 1 Filed 01/05/2004 Page 1 of 4
SUMMONS ISSUED NO
LOCAL RULE 4.1 _____
WAIVER FORM _____
MCF ISSUED _____
BY DPTY. CLK. King Abund
DATE 1-5-04

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FILED
CLERK'S OFFICE
2004 JAN -5 P 2:51

U.S. DISTRICT COURT
DISTRICT OF MASS.

CATHERINE HARRIS,

Plaintiff,

v.

No. _____

GENERAL MOTORS CORPORATION,

Defendant.

04-10007RWZ

NOTICE OF REMOVAL

MAGISTRATE JUDGE Cohen

General Motors Corporation ("General Motors") by its attorneys, Eckert Seamans Cherin & Mellott, LLC, respectfully files this Notice of Removal of the above-captioned matter to the United States District Court for the District of Massachusetts, pursuant to 28 U.S.C.A. §1441(a), and in support thereof states the following:

1. On December 3, 2003, Plaintiff Catherine Harris, filed a Complaint and Claim for Jury Trial against General Motors in the Superior Court of Suffolk County, Massachusetts at C.A. No. 03-5693F. General Motors was served with Plaintiff's Complaint on December 16, 2003. The Complaint is the only pleading in this matter (although other discovery has been served) and alleges causes of action against General Motors for negligence, breaches of warranties, and violation of M.G.L. c. 93A. A true and correct copy of the Summons and the Complaint, with the civil action cover sheet, of the state court matter is attached as Exhibit A.
2. As set forth in the Complaint, the Plaintiff is a citizen of the State of Florida.
3. General Motors is a Delaware corporation and has its principal place of business located in Detroit, Michigan.
4. Plaintiff is demanding an amount in controversy, exclusive of interests and costs, well in excess of the jurisdictional minimum set forth in 28 U.S.C.A. §1332(a).

5. This Notice of Removal is timely filed with the Court within the applicable limitations of 28 U.S.C. §1446(b).

6. This Court has original jurisdiction of the above-captioned matter pursuant to 28 U.S.C. §1332(a) based upon diversity of citizenship and the amount in controversy. This action is, therefore, properly removed from the Superior Court of Suffolk County, Massachusetts to the United States District Court for the District of Massachusetts, pursuant to 28 U.S.C.A. §1441(c).

WHEREFORE, General Motors Corporation respectfully requests that this matter be removed to the United States District Court for the District of Massachusetts.

Respectfully submitted,

GENERAL MOTORS CORPORATION

By its attorneys,



David Hobbie, Esquire
B.B.O. No. 637107
Eckert Seamans Cherin & Mellott, LLC
One International Place, 18th Floor
Boston, MA 02110-2602
Telephone: (617) 342-6800
Fax: (617) 342-6899

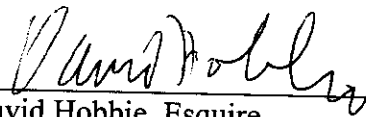
Of Counsel:
Thomas Sweeney, Pa. I.D. No. 34615
Melissa Lightcap Cianfrini, Pa. I.D. No. 84787
Eckert Seamans Cherin & Mellott, LLC
Pa. Firm No. 075
44th Floor, 600 Grant Street
Pittsburgh, PA 15219
Telephone: (412) 566-5966

Dated: January 5, 2004

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Removal, was served by First Class United States Mail, postage prepaid, this 5th day of January 2004, as follows:

Peter J. Black, Esquire
Meehan, Boyle, Black & Fitzgerald, P.C.
Two Center Plaza, Suite 600
Boston, MA 02108-1922



David Hobbie, Esquire

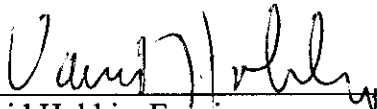
Eckert Seamans Cherin & Mellott, LLC
One International Place, 18th Floor
Boston, MA 02110-2602
Telephone: (617) 342-6800
Fax: (617) 342-6899

Attorneys for Defendant
General Motors Corporation

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Removal, was served by First Class United States Mail, postage prepaid, this 5th day of January 2004, as follows:

Peter J. Black, Esquire
Meehan, Boyle, Black & Fitzgerald, P.C.
Two Center Plaza, Suite 600
Boston, MA 02108-1922



David Hobbie, Esquire

Eckert Seamans Cherin & Mellott, LLC
One International Place, 18th Floor
Boston, MA 02110-2602
Telephone: (617) 342-6800
Fax: (617) 342-6899

Attorneys for Defendant
General Motors Corporation